

BYRON A. CROWE,

PLAINTIFF

Civil No. 01-260-P-H

The United States Magistrate Judge filed with the court on May 6, 2002, with copies to counsel, his Recommended Decision on Defendant's Motion for Summary Judgment. The defendant filed an objection to the Recommended Decision on May 14, 2002. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The defendant's motion for summary judgment is **GRANTED** as to Count II and is otherwise **DENIED**.

By agreement of the parties, a correction is made to the Recommended Decision on page 4, first paragraph, lines 8-9. The sentence should read:

“Counsel for the plaintiff contends that he orally informed counsel for the defendant of the existence of the action sometime before this letter was sent.”

So ORDERED.

DATED: JUNE 4, 2002.

D. BROCK HORNBY
UNITED STATES CHIEF DISTRICT JUDGE